

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WELLS FARGO BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE, FOR THE  
BENEFIT OF THE HOLDERS OF COMM  
2015-LC19 MORTGAGE TRUST  
COMMERCIAL MORTGAGE  
PASSTHROUGH CERTIFICATES, acting by  
and through Midland Loan Services, a Division  
of PNC Bank, National Association, as Special  
Servicer under the Pooling and Servicing  
Agreement dated as of February 1, 2015,

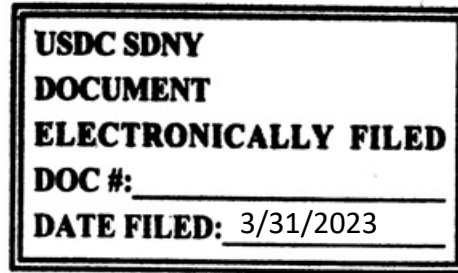
Plaintiff,

-against-

5615 NORTHERN LLC and SPYRO E.  
AVDOULOS,

Defendants.

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**KATHARINE H. PARKER, United States Magistrate Judge:**



**20-CV-2048 (VSB) (KHP)**

**ORDER SCHEDULING**  
**EVIDENTIARY HEARING**

The parties previously informed the Court that foreclosure damages can be determined on the papers and that an evidentiary hearing is not required. However, the Court has reviewed the submissions and finds them inadequate to ascertain damages and lacking in sufficient evidentiary proof. Just by way of example, no documents show payments toward principle and interest on the loan to demonstrate how the principal amount was ascertained. The principal amount is stated at slightly different amounts in various papers submitted to the Court. Similarly, no evidence of payments of expenses is provided. *See, e.g., U.S. Bank Trust, N.A. v. Dingman*, 2016 WL 6902480 (S.D.N.Y. Nov. 22, 2016) (denying requests for certain amounts allowed by a note and mortgage including late charges and escrow payments and costs for failure to submit actual evidence such as receipts of payment; finding

affidavit alone not adequate basis for award of damages). Additionally, the Court is unable to cross-check math used to arrive at the proposed damages figures because, among other things, Plaintiff does not lay out the method of computation of interest as set forth in the applicable loan documents.

Accordingly, although the Court previously denied Defendant the opportunity to file late submissions (ECF No. 90), upon further consideration and based on the aforementioned inadequacies of Plaintiff's submissions, the Court grants Defendant an extension of time nunc pro tunc until **Monday, April 10, 2023** to file a response to Plaintiff's papers.

Additionally, an evidentiary hearing will be held on **Tuesday, April 11, 2023 at 2:00 p.m.** in Courtroom 17-D, United States Courthouse, 500 Pearl Street, New York NY. Plaintiff shall be prepared to present testimony and documentary evidence. Defendant may attend, cross-examine witnesses, and present evidence.

**SO ORDERED.**

DATED: New York, New York  
March 31, 2023



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KATHARINE H. PARKER  
United States Magistrate Judge